

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2006 NOV 17 P 3:47

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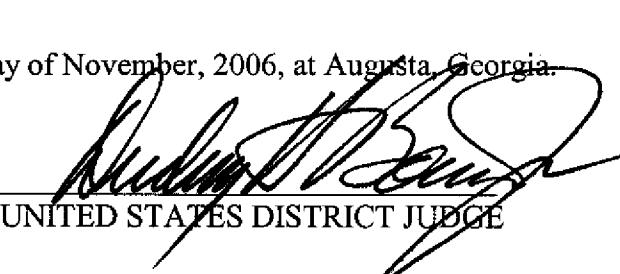
MICHAEL ANTHONY BROWN,)
Petitioner,) CV 106-140
v.) (Formerly CR 103-021)
UNITED STATES OF AMERICA,)
Respondent.)

O R D E R

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Petitioner requests a hearing in order to expound on the equitable tolling arguments he raised in his § 2255 motion, namely that "jurisdiction questions can be raised at any time," and "it's newly discovered evidence that was not previously available." (Doc. no. 4). However, Petitioner has not provided any additional arguments or evidence to (1) overcome the conclusion that Petitioner's arguments were conclusory and failed to specifically state why the government lacked jurisdiction or why Congress did not have the authority to enact the laws under which he was convicted, or (2) otherwise suggest that a hearing is necessary. See Tejada v. Dugger, 941 F.2d 1551, 1559 (11th Cir. 1991) (noting that mere conclusory claims and allegations unsupported by specifics are insufficient to entitle a petitioner to habeas relief). Therefore, Petitioner's objections are **OVERRULED**, and the request for a hearing is **DENIED**.

Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, the § 2255 motion is **DISMISSED**, and this civil action shall be **CLOSED**.

SO ORDERED on this 17 day of November, 2006, at Augusta, Georgia.



UNITED STATES DISTRICT JUDGE